IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 22900 of 2004

Between:

Smt. S. Sujatha W/o S. Srihari, Occ:Sarpanch,
Qutubullapur Mandal, Ranga Reddy District

..... PETITIONER

AND

1 The District Collector, Ranga Reddy District at Khairtabad, Hyderabad
2 The District Panchayat Officer, Ranga Reddy District, Nampally, Hyderabad
3 The Chairman, Hyderabad Urban Development Authority, Paigah Plaza, Secunderabad
4 M/s. Sainath Co-operative Housing Society Pvt. Ltd.,

Regd. No. TBC 344, rep by President, P.V. Krishna Rao, Bhadurpally Cross Roads,Bowrampet Post, Qutbullapur Mandal, Ranga Reddy District

5 D.Shyam Rao, S/o Sri D.Sailoo,

6 S.Padma Rao, S/o Sri S.Narasimha,

7 P.Prabhakar, S/o Sri P.Sivaiah,

8 A.Mallesh, S/o Sri A.Yellaiah,

9 B.Mahender, S/o Sri B.Shankaraiah,

10 K.B.Venkat Raju, S/o Sri K.Subbaraju,

(R5 to R10 are residents of Bahadurpally (V),

Qutubullapur (M), Ranga Reddy District)

(As per Court orders dated 22-02-2005 in WPMP.No.3933/2005,

R5 to R10 are impleaded as respondents to this WP)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of a Writ of Mandamus declaring the inaction of the respondents 1 to 3 in protecting the lands in Sy. No. 227/1 and 228 admeasuring 169 Acres situated at Bahadurpally Village, Qutubullapur Mandal, Ranga Reddy District as null and void consequently direct the respondents 1 to 3 protect the lands and revenue of the Gram Panchayat.

Counsel for the Petitioner:MR.V.H.V.R.R.SWAMY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.3: MR. B.VISWANATHA REDDY, Standing Counsel for HUDA

Counsel for the Respondent No.4: -None appeared-

Counsel for the Respondents 5 to 10: MR. K.RAMESH BABU

The Court made the following ORDER: (per BRSR,J)

The petitioner is the Sarpanch of Bahadurpally Village. She filed the present writ petition purportedly in public interest with the prayer to issue a Writ of Mandamus declaring the inaction on the part of respondents 1 to 3 in protecting the lands in Survey Nos.227/1 and 228 admeasuring 169 acres situated at Bahadurpally Village, Qutubullapur Mandal, Ranga Reddy District and consequently, direct the respondents to protect the lands and revenue of the Gram Panchayat.

The whole of the averments made in the affidavit filed in support of the writ petition is based on the assertion that the fourth respondent herein occupied the Government land, applied for and obtained lay-out sanctioned from the Executive Officer of the Gram Panchayat without leaving any open space whatsoever and was proceeding to make constructions. It is further asserted that the land belongs to the Government and respondents 1 to 3 herein failed to protect the interest of the Government by refusing to take appropriate action against the fourth respondent society. The fourth respondent society denies the allegations and averments made in the affidavit filed in support of the writ petition.

Learned Government Pleader for Assignment based on the strength of the written instructions received from the Mandal Revenue Officer, Quthubullapur Mandal submitted that the land in question is not the Government land and it is the patta land.

It is brought to our notice that on the very self-same allegations, the petitioner-Sarpanch had already made a detailed representation to the Joint Collector, Ranga Reddy on 22-12-2004 and the same is under consideration. That even before the Joint Collector could take an appropriate decision in the matter, the petitioner had rushed to the Court and filed this writ petition in public interest.

In our considered opinion, it would be unnecessary to make any detailed enquiry into the allegations made by the petitioner against the respondents herein and decide as to whether the land in question is a Government land since the petitioner had already moved the Joint Collector, who is the competent authority to adjudicate the issue raised by the petitioner. In our considered opinion, the writ petition is premature and no relief be granted at this stage, except to direct the Joint Collector, Ranga Reddy district to make an enquiry into the representation/application filed by the petitioner dated 22-12-2004, for which purpose, notice may be given to the petitioner as well as the fourth respondent and take an appropriate decision in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. The interim order granted by this Court earlier shall stand vacated. There shall be no order as to costs.

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(B.SUDERSHAN REDDY, J)

22nd FEBRUARY, 2005.

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(C.V.RAMULU, J)

kvni/prk

To

1 The District Collector, Ranga Reddy District at Khairtabad, Hyderabad
2 The District Panchayat Officer, Ranga Reddy District, Nampally, Hyderabad
3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CCs to the Government Pleader for Panchayat Raj, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.